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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,734	04/13/2000	Hugo J. Strubbe	US000103	6918
24737	7590	05/20/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ENG, GEORGE	
			ART UNIT	PAPER NUMBER
			2643	16

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,734

Applicant(s)

STRUBBE ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/13/2004 (paper no. 15) has been entered.

Response to Amendment

2. This Office action is in response to the amendment filed 2/23/2004 (paper no. 13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6, 7-16, and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pingali (US PAT. 6,005,610) in view of Potts et al. (US PAT. 6,593,956 hereinafter Potts).

Regarding claim 1, Pingali discloses a method for tracking an object of interest, i.e., an active speaker, in a video processing system (abstract and col. 3 lines 13-32) comprising the steps of generating for particular ones of successive plural measurement intervals an audio locator output from an audio input, i.e., a microphone, derived from detecting sound from an object and a video locator output from a video input, i.e., preset locations associated with manual keypad, derived partly from a camera detecting movement of the object, each indicative of a location of the object of interest (col. 4 line 17 through col. 7 line 35), applying a set of rules to each of the audio locator output and the video locator output to adjust a setting of the camera during each one of the successive plural measurement intervals, and adjusting the camera in accordance with the applied set of rules (col. 7 line 36 through col. 9 line 53). Pingali differs from the claimed invention in not specifically teaching to apply the set of rules to each of the audio locator output and video locator output to determine which one of the audio locator output and the video locator output will be utilized to adjust a setting of the camera so that the camera is adjusted by utilizing only the selected one of the audio locator output and the video locator output in accordance with the applied set of rules. However, Potts teaches a method for locating an audio source in a video conferencing system comprising a audio based locator (70, figure 3) and a video based locator (60, figure 30), wherein a speaker validation and framing module

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utilizing only a selected one of the audio based locator output and the video based locator output in accordance with a set of rules in order to improve the overall performance of the automatic camera pointing system by decreasing the response time and preventing gross pointing errors (col. 22 line 16 through col. 26 line 41). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Pingali in applying the set of rules to each of the audio locator output and video locator output to determine which one of the audio locator output and the video locator output will be utilized to adjust a setting of the camera so that the camera is adjusted by utilizing only the selected one of the audio locator output and the video locator output in accordance with the applied set of rules, as per teaching of Potts, in order to improve the overall performance of the automatic camera pointing system by decreasing the response time and preventing gross pointing errors.

Regarding claim 2, Pingali discloses the object of interest comprising an active speaker, i.e., a moving person (col. 1 lines 6-10 and col. 2 lines 63-67).

Regarding claim 3, Pingali discloses the camera being a pan-tilt-zoom camera having adjustable pan, tilt, and zoom settings (col. 8 lines 14-19).

Regarding claims 4-5, Pingali teaches an integrated localizer to determine whether the visual object localizer and the audio source localizer are sufficiently close for a given measurement interval (col.8 line 65 through col. 9 line 5) and to utilize the audio source localizer output to adjust a camera when the visual object localizer output and the audio source localizer outputs are not within a specified range of one another for the given measurement interval, and to utilize the video locator output to adjust the camera setting if the audio and video locator

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outputs are within a specified range of one another for the given measurement interval (col. 9 lines 6-53).

Regarding claim 7, Potts teaches the set of rules including determining based on the audio locator output if the object of interest corresponds to a new speaker in a multiple participants system and directing the camera to zoom out by a predetermined amount and to turn in a direction of the new speaker when a new speaker is detected (col. 24 lines 10-14).

Regarding claims 8-9, Potts discloses to determine whether the object of interest corresponds to a same speaker in a multiple-participant system based on the audio locator output and utilizing the video locator output to adjust camera setting so as place the same speaker at a designated position within one or more video frames generated by the camera and adjusting a zoom setting of the camera until a head of the identified same speaker occupies a designated portion of a given one of one or more video frames generated by the camera (col. 22 line 46 through col. 23 line 23).

Regarding claims 10-11, Potts teaches to zoom out the camera by an additional amount if detected period of continued silence exceeds a second amount of time greater than the first amount of time (col. 24 lines 10-17).

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 13, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claim 14, the limitations of the claim are rejected as the same reasons set forth in claim 3.

Regarding claims 15-16, the limitations of the claims are rejected as the same reasons set forth in claims 4-5.

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 7.

Regarding claims 19-20, the limitations of the claims are rejected as the same reasons set forth in claims 8-9.

Regarding claims 21-22, the limitations of the claims are rejected as the same reasons set forth in claims 10-11.

Regarding claim 23, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 24, Potts teaches to determine whether a confidence indicator associated with the video locator output is above a specified video locator threshold for the given measurement, and to utilize the video locator output to adjust the camera setting only if the confidence indicator associated with the video locator output is above a specified video locator threshold for the given measurement interval (col. 25 line 12 through col. 26 line 41).

Regarding claim 25, the limitations of the claim are rejected as the same reasons set forth in claim 24.

Response to Arguments

5. Applicant's arguments with respect to claims 1-5, 7-16 and 18-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, V.A., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


George Eng
Examiner
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